

MAINE STATE LEGISLATURE

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OF THE

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least time to reply to the commission in writing their thoughts on whether any of those stores would be detrimental to that town.

There was a great deal of citizen input into this and there was a petition that went around and they got some thousand or so signatures on it and it was forwarded here to the State House, to the Liquor Commission, rather, and after I called Mr. Ingraham back again, he assured me that because of the citizen input, they would not put the store there. But the fact is, they could have put the store there and municipal officials would not be aware of any other locations that were available and they wouldn't have had sufficient time to present any case against.

I would rather have the municipalities have veto power over where that store is going to be, but according to several people who are on the second floor, in the Attorney General's Office, they happen to think that that possibly would be unconstitutional or something like that. But at least this gives the municipality the opportunity to have that available to them, and I would hope that you would go along with this amendment.

Thereupon, the House Amendment "F" was adopted.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker, I would like to pose an inquiry through the Chair to anyone on the committee that might answer. In this bill, as I understand it, there is a \$25 increase in the fee for grocery stores that sell beer. There is a reduction in the wine license for grocery stores and my question is, if we are changing around the fee, is there any change in the total revenue and should there be a fiscal note?

I also have a second question which I would like to pose to anyone on the committee that might answer. As the law now exists, a store which has groceries pays a \$100 fee to sell beer. A store which doesn't have \$1,000 worth of groceries in stock pays a \$200 fee. In my district, the effect of that is that Batches Take Out in Baldwin pays \$200, whereas the grocery stores pay \$100. The smaller store seems to be paying twice as big a fee. My question really is, what is the rationale for the different charge between the two different kinds of stores?

The SPEAKER: The gentleman from Standish, Mr. Spencer, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Waterville, Mr. Pierce.

Mr. PIERCE: Mr. Speaker, Ladies and Gentlemen of the House: To answer the gentleman's questions, this section of the bill, quite naturally, I am sure, was one of the ones with which we wrestled long and hard.

Presently, the beer license is \$100 and a wine license is \$200. We certainly could find no rationale for that, because stores naturally make more money from beer than they do from wine, so we lowered the wine license \$75 and upped the beer license to make them both even, to \$125.

The rationale behind why a store with groceries pays less than a store without groceries is, of course, that a store without groceries does not have to go to that extra expense of stocking their shelves and going through that whole process that a store with groceries does have.

The same rationale is used that a hotel, for instance, that does sell food has a cheaper license than a hotel that doesn't bother to sell food.

Mr. Garsoe of Cumberland offered House Amendment "G" and moved its adoption.

House Amendment "G" (H-1087) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: This clarifies the language in Section F on Page 3 relative to a

municipal golf course and further stipulates that any municipality or county desiring a license on behalf of such an operation would submit this request to the State Liquor Commission to avoid any possibility of a conflict of interest.

Thereupon, House Amendment "G" was adopted.

The SPEAKER: The Chair recognizes the gentlewoman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I wanted to ask a question, not about this amendment but the one before, but it came too quickly. I wondered if the committee had given any consideration to charging a fee to sell beer or to sell wine on either the volume of sales or the square footage of the stores? It seems to me that should have been considered when we are talking about these fees. Had that been considered at all?

The SPEAKER: The gentlewoman from Auburn, Mrs. Lewis, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Waterville, Mr. Pierce.

Mr. PIERCE: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the lady's question, yes, that was considered, and I think most of us felt that that would be the most desirable, but we found by talking with the Department of Taxation and so forth, it was just logistically so difficult and cumbersome that it would be impossible to do.

The SPEAKER: The Chair recognizes the gentleman from St. Agatha, Mr. Martin.

Mr. MARTIN: Mr. Speaker, at this point, I would again request a ruling under Joint Rule 21 in reference to Section 12, again on page 15 of this bill.

The SPEAKER: Based on the information available to the Speaker, reading from the Committee on Liquor Control and the order which created the order that directed the study, the Liquor Control Committee was directed by the legislature to study, and I quote, "to review the procedures, regulations and statutes governing the issuance of liquor licenses and the qualifications of liquor licensees."

I read again from the report, "The Committee on Liquor Control broadened the scope of the study to include an evaluation of all liquor laws which are complicated in some case and cumbersome to apply. The committee has undertaken a comprehensive analysis of liquor statutes and, as proposed, the general revision of the statutes."

The Chair therefore would rule that since the bill before us contains a provision which was not in fact ordered by the order which was passed by both Houses but was the result of the Liquor Committee, extending its study into other areas, the Chair would rule that that section of the bill before this body is in violation of the Joint Rules. The Chair would rule, therefore, that the matter dealing with clubs, services of private clubs regulated under that Section 16, is in violation of the rules.

There are two options available at this point, based on my ruling; one is that it be tabled so that that section may be eliminated or, second, I will return the matter to the Committee on Liquor Control.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Pierce.

Mr. PIERCE: Mr. Speaker, I would move that this item lie on the table two legislative days.

The SPEAKER: The pending question is on the motion of the gentleman from Waterville, Mr. Pierce, that this matter be tabled pending passage to be engrossed as amended and specially assigned for Friday, March 24. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

35 having voted in the affirmative and 47 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Rolde of York, tabled unassigned pending passage to be engrossed as amended.

The Chair laid before the House the eighth tabled and today assigned matter:

Bill, "An Act to Revise and Clarify the Freedom of Access Law" (H. P. 2226) (L. D. 2316) (H. "A" H-1034) (H. "B" H-1044)

Tabled — March 23 by Mr. Rolde of York.

Pending — Passage to be Engrossed.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Pearson.

Mr. PEARSON: Mr. Speaker, as a matter of courtesy to Representative Hobbins and Representative Rolde, I move that this lie on the table for one legislative day.

Thereupon, on motion of Mr. Rolde of York, tabled pending passage to be engrossed and tomorrow assigned.

The Chair laid before the House the ninth tabled and today assigned matter:

Bill, "An Act to Redefine 'Subdivision' in the Site Location and Development Act" (H. P. 1979) (L. D. 2169) (C. "A" H-1000)

Tabled — March 23 by Mr. Rolde of York.

Pending — Passage to be Engrossed.

On motion of Mr. Rolde of York, retabled pending passage to be engrossed as amended and tomorrow assigned.

The Chair laid before the House the tenth tabled and today assigned matter:

Bill, "An Act Providing for a Comprehensive State-wide Program of Primary Prevention of Alcohol and Drug Abuse and other Forms of Socially Disruptive and Potentially Self-destructive Human Behavior" (H. P. 1800) (L. D. 1959) (C. "A" H-1006)

Tabled — March 23 by Mr. Norris of Brewer.

Pending — Passage to be Engrossed.

Thereupon, on motion of Mr. Norris of Brewer, was passed to be engrossed as amended by Committee Amendment "A" and sent up for concurrence.

Bill, "An Act Enabling Municipalities to Conduct Soil Tests to Determine Feasibility of Solid Waste Disposal Sites" (Emergency) (H. P. 1948) (L. D. 2134) (C. "A" H-993)

Tabled — March 23 by Mrs. Najarian of Portland.

Pending — Passage to be Engrossed.

On motion of Mrs. Bachrach of Brunswick, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted.

The same gentlewoman offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-1063) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentlewoman from Brunswick, Mrs. Bachrach. Mrs. BACHRACH: Mr. Speaker and Members of the House: This is a very simple amendment which increases the distance between a residence and the place where a soil test may be taken. Then I would ask to have this tabled one day for debate, because there are people who wanted to discuss it.

Thereupon, House Amendment "A" to Committee Amendment "A" was adopted. Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

The Bill was passed to be engrossed as amended and sent up for concurrence.